

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Kelly R. Collins	: CHAPTER 7
xxx-xx-9382	:
830 Pugh Road	:
Wayne, PA 19087	: NO. 12-11954-BIF
	: DATE: 1/23/2013
	: TIME: 9:30 A.M.
	: LOCATION: COURT ROOM NO. 2
Debtor	: UNITED STATES BANKRUPTCY COURT
	: 900 MARKET STREET, 2ND FLOOR
	: PHILADELPHIA, PA 19107

MOTION TO AVOID LIEN

Kelly R. Collins, debtor, respectfully represents as follows:

1. This case was commenced by filing a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on February 29, 2012. It was converted to a case under Chapter 7 on August 21, 2012. A discharge was entered on October 11, 2012.

2. This Motion is brought pursuant to 11 U.S.C. §522(f) and Bankruptcy Rule 4003(d) to avoid a judicial lien arising out of a transaction not involving a possessory interest or a purchase money security interest, and which is currently not secured by any real property or possession in the hands of the creditor.

3. The Movant is Kelly R. Collins, the Debtor in the instant case.

4. The Respondent is Rawhide Associates LLC, which is believed to be a Pennsylvania limited Liability Company, having its office for the conduct of business at 15 Cavalier Drive, Ambler, PA 19002. It is represented by Jeffrey G. DiAmico, Esquire, whose business address is 777 Township Line Road, Suite 250, Yardley PA 19067.

5. Prior to the filing of the instant case the Respondent obtained a judicial lien upon the property of the Debtor by way of a judgment by confession obtained by the creditor in Chester County, PA in 2010, and indexed by the Prothonotary of Chester County at case no. 2010-02520.

6. The Respondent was listed on the Debtor's bankruptcy schedules and matrix.

7. The Debtor, by and through counsel, did serve notice upon the aforesaid creditor, through it's counsel, by fax and regular mail on February 29, 2012.

8. The Respondent was given notice of the filing, and the of the date, time and place of the Meeting of Creditors under 11 U.S.C. §341(a) by notice from the court (form B9I) on April 7, 2012, according to the Certificate of Notice filed in the docket of this case (Docket item 20).

9. The Respondent, through it's counsel, did give proof of notification by the filing of a Proof of Claim on April 12, 2012 (claim no. 3 on the claims register).

10. The Respondent was served notice of the conversion of the case to one under Chapter 7, and of the date, time and place of the 341 meeting therefore, by notice from the court (Form B9A), on or about August 31, 2012, according to the Certificate of Notice filed in the docket of this case (Docket item 42), and chose not to appear at the meeting.

11. The Debtor is entitled to the relief requested under §522(f) of the United States Bankruptcy Code.

12. If Debtor's motion is not granted by this Honorable

Court, Debtor's exemptions under §522(d) shall be impaired.

13. Debtor believes and therefore avers that, if the relief requested in this Motion is granted, no parties would be prejudiced thereby.

WHEREFORE Debtor prays this Honorable Court enter an Order avoiding the Judgement Lien of the creditor Rawhide Associates, LLC, and Ordering the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, to strike said judgement from its records.

Respectfully submitted,

/s/ Michael W. Gallagher
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